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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
PATRICIA PINHEIRO,)
)
Defendant.)
_____)

No. CR 3 - 05 - 71011 EDL

[PROPOSED] SPEEDY TRIAL ORDER

WHEREAS, PATRICIA PINHEIRO ("Pinheiro") is charged in a criminal complaint with violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection Service;

WHEREAS, Pinheiro made her initial appearance on the aforesaid criminal complaint, before the Honorable Maria-Elena James, on February 13, 2006, and was released on a bond;

WHEREAS, the parties previously entered into a stipulation and order waiving time under Rule 5.1 as well as excluding time under 18 U.S.C. § 3161 through June 30, 2006, in order to provide for effective preparation of counsel;

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1 WHEREAS, counsel for the government, AFPD David Fermino, resigned from his
2 position with the Federal Public Defender in San Francisco and thereafter AFPD Ron Tyler took
3 over representation of Ms. Pinheiro in early July 2006;

4 WHEREAS, government counsel was out of the office on extended family medical leave
5 from mid-May 2–6 and continuing throughout June 2006 and on a limited schedule through mid-
6 July 2006;

7 WHEREAS, due to the disruption in the schedules and staffing of both government and
8 defense counsel, parties were unable to communicate about outstanding discovery issues and
9 resolving the matter short of indictment until late July 2006;

10 WHEREAS, Mr. Tyler was out of the office and out of the District and unavailable to
11 represent his client due to his unavailability from late July 2006 until late August 2006;

12 WHEREAS, Mr. Tyler has now requested, and the government has provided additional
13 materials relative to his client's involvement in the offense and the parties have agreed in
14 principle to a disposition of the matter via misdemeanor but Mr. Tyler requires additional time to
15 consult with an immigration attorney, as Ms. Pinheiro has status as lawful permanent resident;

16 WHEREAS, government counsel will be out of the District from September 1 through
17 September 9, 2006;

18 WHEREAS, the parties are agreeable to continuing the matter until Wednesday,
19 September 13, 2006, at 9:30 a.m. for change of plea, with time being excluded between June 30,
20 2006 and September 13, 2006, based on continuity of counsel and effective preparation of
21 counsel, pursuant to 18 U.S.C. § 3161(h)(8)(A), (B).

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SPEEDY TRIAL ORDER
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1 THEREFORE, the parties now respectfully request and stipulate to continue the matter
2 until Wednesday, September 13, 2006, for a change of plea in this matter, with time excluded
3 between June 30, 2006 and September 13, 2006 on the basis of continuity of counsel and
4 effective preparation of counsel, such that the ends of justice outweigh the best interest of the
5 defendant and the public in a speedy trial.

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7 **IT IS SO STIPULATED.**

8 BARRY J. PORTMAN
9 Federal Public Defender

KEVIN V. RYAN
United States Attorney

10 /S/
11 AFPD Ronald Tyler
12 for Defendant Patricia Pinheiro

10 /S/
11 Timothy Lucey
12 Assistant United States Attorney

13 **IT IS SO ORDERED.**

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15 Dated: 9-6-06
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